

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

*In re Dealer Management Systems Antitrust  
Litigation, MDL 2817*

No. 1:18-CV-864

*This document relates to:*

Hon. Robert M. Dow, Jr.

ALL ACTIONS EXCEPT *i3 Brands, Inc., et  
al. v. CDK Global, LLC, et al.*, No. 19-cv-1412

Magistrate Judge Jeffrey T. Gilbert

**JOINT MOTION TO MODIFY THE CASE MANAGEMENT ORDER  
IN LIGHT OF THE THIRD AMENDED GENERAL ORDER**

Dealership Class Plaintiffs, Vendor Class Plaintiff Loop, LLC, d/b/a AutoLoop, Plaintiff Authenticom, Inc., Plaintiff Motor Vehicle Software Corp. (“MVSC”), Defendant CDK Global, LLC (“CDK”), and Defendant The Reynolds and Reynolds Company (“Reynolds”) (collectively, the “Parties”), by and through their undersigned counsel, submit this Joint Motion to Modify the Fourth Stipulated Amended Case Management Order (Dkt. 856) as to the briefing schedules applicable to Reynolds’s Motion for Leave to File Its Proposed Amended Answer and Affirmative Defenses (“Motion to Amend”), Reynolds’s Motion to Compel MVSC to Produce Its Settlement Agreement and 3PA Agreement with CDK (“Motion to Compel”), and the Parties’ Summary Judgment and *Daubert* briefings.

On February 19, 2020, the Court entered the Fourth Stipulated Amended Case Management Order setting a *Daubert* briefing schedule with opening briefs to be filed by February 28, 2020, opposition briefs to be filed by April 10, 2020, and reply briefs to be filed by May 1, 2020, and a summary judgment briefing schedule with opening briefs to be filed by April 1, 2020, opposition briefs to be filed by May 22, 2020, and reply briefs to be filed by June 12, 2020. *See*

Dkt. 856. Pursuant to that schedule, on February 28, 2020, the Parties filed their opening *Daubert* motions (Dkts. 859 – 867, 870 – 897).

On March 16, 2020, the Court issued the Amended General Order (Dkt. 924) due to the Coronavirus pandemic, extending all deadlines in civil cases by 21 days from their current deadline set, which extended all briefing deadlines applicable to the *Daubert* and summary judgment briefs.

On March 18, 2020, Reynolds filed a Motion to Amend (Dkts. 925 – 928) and a Motion to Compel (Dkts. 929 – 932). The Parties met-and-conferred and agreed to a briefing schedule, which the Court entered on March 24, 2020. *See* Dkts. 935 & 936. That briefing schedule required oppositions to Reynolds’s Motion to Amend and Motion to Compel to be filed by April 17, 2020, and replies to be filed by May 8, 2020.

On March 30, 2020, this Court issued the Second Amended General Order (Dkt. 938) due to the Coronavirus pandemic, extending all deadlines in civil cases by an additional 28 days, which extended the briefing schedule for the *Daubert* motions, the summary judgment motions, Reynolds’s Motion to Compel, and Reynolds’s Motion to Amend by another 28 days. On April 24, 2020, the Court issued the Third Amended General Order, extending all deadlines in civil cases by an “additional 28 days,” but provided that this extension, “[f]or good cause,” could be “extend[ed], shorten[ed], or revoke[d].”

The general orders issued by this Court regarding the Coronavirus pandemic have had the following effect on the briefing schedules for the pending motions:

**Table 1**

<b>Brief</b>	<b>Original Deadline</b>	<b>Deadline Under The Third Amended General Order</b>
Summary Judgment Opening	April 1, 2020	June 17, 2020
Summary Judgment Opposition	May 22, 2020	August 7, 2020
Summary Judgment Reply	June 12, 2020	August 28, 2020
<i>Daubert</i> Opposition	April 10, 2020	June 26, 2020

<i>Daubert</i> Reply	May 1, 2020	July 17, 2020
Motion to Amend & Motion to Compel Oppositions	April 17, 2020	July 6, 2020
Motion to Amend & Motion to Compel Replies	May 8, 2020	July 24, 2020

The Parties have met-and-conferred regarding the current briefing schedule deadlines under the Third Amended General Order and agree that good cause exists to modify those deadlines. The Parties submit that the Third Amended General Order should not affect the immediate upcoming deadlines for the summary judgment opening briefs, the *Daubert* opposition briefs, and the oppositions to Reynolds's Motion to Compel and Motion to Amend in light of the amount of time the Parties have had to prepare those briefs. The Parties have also considered the effect of the Coronavirus pandemic on working conditions and have agreed to a modest extension of the deadlines for the remaining briefs. *See* Table 2.

**Table 2**

<b>Brief</b>	<b>Deadline Under The Third Amended General Order</b>	<b>Proposed New Deadline</b>
Summary Judgment Opening	June 17, 2020	May 20, 2020
Summary Judgment Opposition	August 7, 2020	July 28, 2020
Summary Judgment Reply	August 28, 2020	August 28, 2020
<i>Daubert</i> Opposition	June 26, 2020	May 29, 2020
<i>Daubert</i> Reply	July 17, 2020	July 8, 2020
Motion to Amend & Motion to Compel Oppositions	July 6, 2020	May 15, 2020
Motion to Amend & Motion to Compel Replies	July 24, 2020	June 12, 2020

The Parties respectfully request that the Court enter an order modifying the Third Amended General Order as applied to this case by entering the Parties' Fifth Stipulated Amended Case Management Order (submitted separately) reflecting the schedule in Table 2.

Dated: May 5, 2020

Respectfully submitted,

/s/ Derek T. Ho

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**CERTIFICATE OF SERVICE**

I, Derek T. Ho, an attorney, hereby certify that on May 5, 2020 I caused a true and correct copy of the foregoing **JOINT MOTION TO MODIFY THE CASE MANAGEMENT ORDER IN LIGHT OF THE THIRD AMENDED GENERAL ORDER** to be filed and served electronically via the Court's CM/ECF system. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF system.

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